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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,393

02/27/2004

Shuji Yamashita

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EXAMINER

LABBEES, EDNY

ART UNIT

PAPER NUMBER

2612

NOTIFICATION DATE

DELIVERY MODE

11/13/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/789,393	Applicant(s) YAMASHITA ET AL.	
	Examiner Edny Labbees	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/22/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status Of Claims

1. In the response filed 10/22/2007, applicant filed a Request For Continued Examination (RCE). No new claims have been added and therefore claims 1, 3 and 4 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (US 2002/0025823).

Regarding Claim 1, Hara discloses *Radio System* that has the following claimed limitations:

Claimed mobile unit is met by portable device (10) (See Fig. 1a, 1b and paras [0059]); claimed vehicle unit mounted on a vehicle is met by the stationary device (20) comprising a plurality of stationary-device antennae located at different positions respectively (See paras [0015]); claimed mobile sequentially receives signals transmitted from at least a first and last transmission antenna from the plurality of

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transmission antennas to measure the reception intensities of the sequentially received signals is met by the system of Hara where the control circuit (21a) of the stationary device (20) operates for determining the current position of the portable device (10) where communication that portable-device finding signals respectively containing different antenna identification codes are concurrently or sequentially emitted from either of the cabin antenna under the control circuit (21a) of the stationary device (20) (See paras [0072]). Hara also discloses that the portable device (10) also includes among others a reception intensity measuring means (not shown); claimed and then after the mobile unit completes the reception intensity measurement of the last transmission antenna transmits an ID portion for storing the intrinsic identification information and the all reception intensity of the sequentially received signals as one response signal to said vehicle unit is met by the system of Hara where the communication, every time the portable device (10) receives the portable-device finding signals containing antenna identifying codes received from the cabin antennas, the reception intensity data (an absolute value, in this case) of the portable-device finding signal, and a portable device finding answer signal containing the antenna identifying code and the condition codes, which are contained in the portable-device finding signal received are returned by the portable-device side communication means (See paras [0077]), where the portable-device side communication means includes an antenna and a transceiving circuit (See paras [0059]); claimed vehicle unit locating said mobile unit on the basis of the reception intensity information transmitted from the mobile unit and executing an arbitrary processing action to the location of the mobile unit is met by the

system of Hara where the stationary device (20) executing a control process for realizing a predetermined operation of an object to be controlled (See paras [0031]). As stated earlier above, Hara discloses a system where when the portable device (10) receives the portable-device finding signals containing antenna identifying codes received from the cabin antennas, the reception intensity data of the portable-device finding signal and a portable device finding answer signal containing the antenna identifying code and the condition codes, which are contained in the portable-device finding signal received are **returned** by the portable-device side communication means, wherein the portable-device side communication means is included in the portable device (10) (See paras [0059 0077]). However, Hara does not specifically state that the identification information of the mobile unit and all reception intensity information of the sequentially received signals is transmitted as one response signal. Rather as stated above, Hara discloses a system where the information is returned to the stationary device (See paras [0077]). As long as the system of Hara performs its desired functionality one of ordinary skilled artisan would have readily recognized that sending the signal as one signal or a multitude of signals would not constitute an inventive concept but an obvious design choice. In addition, Hara discloses a system where in the door lock control mode; a predetermined electric power to be a wake-up signal is transmitted from the stationary device (20). When the portable device (10) is located within the remote-control communication range and it receives the wake-up signal, the mode of the control circuit of the portable device (10) shifts from a sleep mode to a normal mode. A request signal that is subsequently transmitted from the

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stationary device (20) is received by the portable device (10). In turn, a step S2 is executed in which in response to the request signal, the portable device (10) processes under control of its control circuit and sends an answer signal containing a door lock control authentication code (locking/unlocking ID (See paras [0083])). Therefore, it would have been obvious to one of ordinary skill in the art to readily recognize that the locking/unlocking ID code is intrinsic to the portable device (10) since the portable device sends the unique code to perform the function of locking/unlocking the door.

Regarding Claim 3, claimed arbitrary processing action is an operation to locking of a door is met by the system of Hara where the controlled object includes a lock device for locking and unlocking the vehicle door and/or other devices (see paras [0032]). In addition, the locking/unlocking of the door is performed when the portable device (10) approaches either the driver seat side ($P_{\{D\}}$) or the assistant driver's seat side ($P_{\{A\}}$) (see Fig. 2 and paras [0074]).

Regarding Claim 4, claimed signals other than that transmitted at first are only used for the measurement of the reception intensities of said mobile unit is met by the portable device finding answer signal representative of the reception signal to the stationary device (20). The signals transmitted at first are the wake-up signal and not the ones used to measure the reception intensities (see Fig. 1B). In addition, Hara discloses a system where the cabin antennae (24 and 25) are used for the wake-up signal transmission (power transmission) and the normal signal transmission/reception (wireless communication by using the communication frequency already referred to). If required, an antenna exclusively used for the normal signal transmission/reception and

another antenna exclusively used for the power transmission may be used separately (see paras [0066]). One of ordinary skill in the art would readily recognize to use different antennas to perform the function transmitting the wake signal and the function of measuring the reception intensities.

Response to Arguments

4. In the response filed 6/6/2007, applicant presents the following arguments.

1) In regards to the amended claims 1 and 4, Applicant argues that the system of Hara does not the mobile unit transmitting the response signal as one response signal to the vehicle unit after the measurement of the last transmission antenna.

5. RESPONSE

2) In regards to the arguments corresponding to the amended claims 1 and 4, as stated above in the rejection to claim 1, Hara discloses a system where the portable device (10) receives the portable-device finding signals containing the antenna identifying codes received from the antennas of the stationary device, the reception intensity data of the portable-device finding signal, and a portable device finding answer signal containing the antenna identifying code and the condition codes, which are then returned to the stationary device via the portable-device side communication means of

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the portable device. However, also as stated above, Hara does not specifically state the manner of the received signals; whether the signals are received as one signal or a multitude/plurality of signals. However, as long as the system of Hara performs its desired functionality one ordinary skilled artisan would have readily recognized that sending the signal as one signal or a multitude of signals would not constitute an inventive concept but an obvious design choice since the functionality of the device is to measure the reception intensities and perform an action, such as opening a door/trunk.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juzswik, *System And Method For Automatic Function...* (US 6,801,134)

Stippler, *AntiTheft Device For A Motor Vehicle And Method...* (US 6,218,932)

Zintler, *Locking Device For A Motor Vehicle Having A Number...*(US 6,563,416)

Chandebois, *Method And Device For Automatically Locking...* (US 6,853,296)

Amano, *Keyless Entry System*, (US 5,835,022)

Okada, *Vehicle Automatic Door-Locking System Using...* (US 6,476,517)

Kumano, *Keyless Entry System For Vehicle* (US 6,621,406)

Rohri, *Access Control Device For A Motor Vehicle And Method...* (US 6,556,125)


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees
11/6/2007


JEFFERY HOFSSASS
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